

Introduced by Senator WylandFebruary 24, 2012

An act to amend Section 40247 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1570, as introduced, Wyland. Vehicles: automated parking enforcement.

Existing law authorizes a local agency to install and operate an automated parking enforcement system on local public agency-owned or local public agency-operated streetsweepers for the purpose of digital photographing of street-sweeping parking violations occurring in street-sweeping parking lanes.

This bill would additionally authorize the installation of an automated parking enforcement system on streetsweepers operated by a vendor pursuant to a contract with the local public agency.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 40247 of the Vehicle Code is amended
- 2 to read:
- 3 40247. (a) A local public agency may install and operate an
- 4 automated parking enforcement system on local public
- 5 agency-owned or local public agency-operated streetsweepers, *or*
- 6 *on streetsweepers operated by a vendor pursuant to a contract*
- 7 *with the local public agency*, for the purpose of digital
- 8 photographing of street-sweeping parking violations occurring in

1 street-sweeping parking lanes. The equipment shall be angled and
2 focused so as to capture digital photographs of license plates on
3 vehicles violating designated street-sweeping regulations and shall
4 not unnecessarily capture identifying photographs of other drivers,
5 vehicles, or pedestrians. The equipment shall only capture digital
6 photographs when the automated parking enforcement system
7 detects the occurrence of a parking infraction. The equipment shall
8 record the date and time the violation was captured onto the
9 photograph. Any information read from a license plate at a location
10 or at a time not designated for streetsweeping shall be destroyed
11 by the close of the next business day. Notwithstanding subdivision
12 (e) of Section 40248, only a local public agency may operate an
13 automated parking enforcement system.

14 (1) A citation shall be issued only for violations captured during
15 the designated hours of operation for a street-sweeping parking
16 lane.

17 (2) A citation shall not be issued, under the provisions of this
18 article, for a vehicle that is parked on the street during the
19 designated hours of operation for a street-sweeping parking lane
20 when the vehicle is parked on the street after the street has been
21 cleaned by a streetsweeper.

22 (b) At least 30 days prior to issuing notices of parking violations
23 pursuant to subdivision (a) of Section 40248, a local public agency
24 utilizing an automated parking enforcement system pursuant to
25 this article shall make a public announcement of the automated
26 parking enforcement system and shall only issue warning notices
27 during this 30-day period. This subdivision does not affect the
28 authority of a local public agency to issue notices of parking
29 violations through a manual system before, during, or after the
30 30-day warning period in this subdivision.

31 (c) A designated employee for the local public agency, who is
32 qualified by the local public agency to issue parking citations, shall
33 review digital photographs for the purpose of determining whether
34 a parking violation occurred in a street-sweeping parking lane. A
35 violation of a statute, regulation, or ordinance governing parking
36 under this code, under a federal or state statute or regulation, or
37 under an ordinance enacted by the local public agency occurring
38 in a street-sweeping parking lane observed by the designated
39 employee in the photographs is subject to a civil penalty.

1 (d) (1) Except as it may be included in court records described
2 in Section 68152 of the Government Code, or as provided in
3 paragraph (2), the digital photograph evidence may be retained
4 for up to six months from the date the information was first
5 obtained, or 90 days after final disposition of the citation,
6 whichever date is sooner, after which time the information shall
7 be destroyed in a manner that shall preserve the confidentiality of
8 any person included in the record or information.

9 (2) Notwithstanding Section 26202.6 of the Government Code,
10 digital photographs from automated parking enforcement systems
11 that do not contain evidence of a parking violation occurring in a
12 street-sweeping parking lane shall be destroyed within 15 days
13 after the information was first obtained in a manner that shall
14 preserve the confidentiality of any person included in the
15 information.

16 (e) Notwithstanding Section 6253 of the Government Code, or
17 any other ~~provision~~ provision of law, the digital photographs made, and any
18 information read from license plates, by an automated parking
19 enforcement system shall be confidential. Local public agencies
20 shall use and allow access to these photographs and license plate
21 readings only for the purposes authorized by this article.